



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Medicine, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC85-101-10 et seq.
Regulation title	Regulations Governing the Licensure of Radiologic Technologists and Radiologic Technologists-Limited
Action title	Licensure requirements for Radiologist Assistants
Date this document prepared	6/25/09

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Chapters 83 and 507 of the 2009 General Assembly require the Board of Medicine to “prescribe by regulation the qualifications governing the licensure of radiologist assistants...” The planned regulatory action is compliance with the statute. Amendments to Chapter 101 will establish the qualifications for initial licensure as a radiologist assistant, fees as necessary for the regulation of the profession, requirements for renewal and standards of practice consistent with the statute and nationally accepted standards for the profession.

Legal basis

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Medicine the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards

The general powers and duties of health regulatory boards shall be:

...

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such

regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...

In the Medical Practice Act (§ [54.1-2900 et seq.](#)), the Board of Medicine is mandated to set in regulation the requirements for licensure as an radiologist assistant.

§ [54.1-2900](#). Definitions.

As used in this chapter, unless the context requires a different meaning:

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

§ [54.1-2956.8:1](#). Unlawful to practice radiologic technology without license; unlawful designation as a radiologist assistant, radiologic technologist, or radiologic technologist, limited; Board to regulate radiologist assistants and radiologic technologists.

Except as set forth herein, it shall be unlawful for a person to practice or hold himself out as practicing as a *radiologist assistant*, radiologic technologist, or radiologic technologist, limited, unless he holds a license as such issued by the Board.

In addition, it shall be unlawful for any person who is not licensed under this chapter whose licensure has been suspended or revoked, or whose licensure has lapsed and has not been renewed to use in conjunction with his name the words "*licensed radiologist assistant*," "*licensed radiologic technologist*" or "*licensed radiologic technologist, limited*" or to otherwise by letters, words, representations, or insignias assert or imply that he is licensed to practice radiologic technology.

The Board shall prescribe by regulation the qualifications governing the licensure of *radiologist assistants*, radiologic technologists, and radiologic technologists, limited. The regulations may include requirements for approved education programs, experience, examinations, and periodic review for continued competency.

The provisions of this section shall not apply to any employee of a hospital licensed pursuant to Article 1 (§ [32.1-123](#) et seq.) of Chapter 5 of Title 32.1 acting within the scope of his employment or engagement as a radiologic technologist.

§ [54.1-2956.8:2](#). Requisite training and educational achievements of radiologist assistants, radiologic technologists, and radiologic technologists, limited.

The Board shall establish a testing program to determine the training and educational achievements of *radiologist assistants*, radiologic technologists, or radiologic technologists,

limited, or the Board may accept other evidence such as successful completion of a national certification examination, experience, or completion of an approved training program in lieu of testing and shall establish this as a prerequisite for approval of the licensee's application.

Need

The Board of Medicine will adopt proposed regulations in response to a mandate from the General Assembly, which has determined that there is a need for licensure of a radiologist assistant who practices as an advanced-level radiographic practitioner under the supervision of a doctor who specializes in the field of radiology. A radiologist assistant will be authorized to practice radiologic procedures, administer contrast media, evaluate image quality and perform other duties that require an advanced level of education, clinical training and examination by an accrediting body recognized by the profession in order to ensure minimal competency necessary to protect the health and safety of patients who will be in his or her care.

Substance

Amendments to Chapter 101, Regulations Governing the Licensure of Radiologic Technologists and Radiologists-Limited; the title of the regulations will be changed to Regulations Governing the Practice of Radiologic Technology to encompass the new profession of radiologist assistants RA's).

In determining the qualifications for licensure, the Advisory Board on Radiologic Technology will consider statutory and regulatory requirements in the 16 other states that regulate the profession. Consistent requirements appear to be:

- 1) Certification by the American Registry of Radiologic Technologists (ARRT) as a radiologic technologist;
- 2) Graduation from a radiologist assistant education program accredited by a nationally recognized body (ARRT);
- 3) Passage of an examination for radiologist assistants (RA) resulting in national certification as an RA by the ARRT; and
- 4) Certification in Advanced Cardiac Life Support (ACLS).

Some states require years of experience as a radiological technologist for licensure as a RA. The RA educational program at Virginia Commonwealth University requires two years of full-time clinical experience as a radiologic technologist as a prerequisite for admission.

The scope of practice for the profession is set out in the new definition of a radiologist assistant in § 54.1-2900; procedures delegated to a RA by a supervising radiologist must be consistent with the guidelines of professional bodies for the profession of radiology and radiologic technology. Consistent with other states, regulation may specify that the RA cannot interpret images, make a diagnosis or prescribe medications or therapies.

Alternatives

There are no viable alternatives to the proposed regulatory action which is mandated by the Code of Virginia. The Board will consider regulatory language in other states to determine the most cost-effective and reasonable consistent with its responsibility to protect the public.

Public participation

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Townhall website, www.townhall.virginia.gov, or by mail to Elaine Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233 or by fax to (804) 527-4434 or by email to elaine.yeatts@dhp.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public hearing will be held after proposed regulations are approved for publication and notice of the hearing may be found on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Participatory approach

Regulations will be developed in consultation with and on the recommendation of the Advisory Board on Radiologic Technology, which includes radiological technologists, educators, a board-certified radiologist, and a citizen member.

Family impact

There is no impact on the family.